

1 U.S. MAGISTRATE JUDGE J. KELLEY ARNOLD  
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10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE  
12 WESTERN DISTRICT OF WASHINGTON

13 ROWLAND L. OATES,

14 Civil No. C08-5686JKA

15 Plaintiff,

16 vs.

17 ORDER FOR REMAND

18 MICHAEL J. ASTRUE,  
19 Commissioner of Social Security,

20 Defendant.

21 Based on the stipulation of the parties, it is hereby ORDERED that the Commissioner's  
22 final decision be reversed and remanded for further proceedings pursuant to sentence four of  
23 42 U.S.C. § 405(g). Upon remand to the Commissioner of Social Security, the Appeals Council  
will remand this case to a new Administrative Law Judge (ALJ) to: (1) reevaluate Plaintiff's  
impairments, as well as the combined impact of such impairments; (2) further consider medical  
source opinions regarding Plaintiff's impairments; (3) further consider Plaintiff's history of  
polysubstance abuse consistent with the regulatory procedures set out in 42 U.S.C.  
§ 423(d)(2)(C); (4) if warranted, obtain supplemental medical expert testimony regarding the  
nature and severity of Plaintiff's impairments; (5) address the lay witness statements of Robert

1 Weeks and Plaintiff's former wife, Lina Oates; (6) further develop the record to include  
2 consideration of Plaintiff's Veterans Administration (VA) disability rating consistent with  
3 *McCartey v. Massanari*, 298 F.3d 1072, 1076 (9th Cir. 2002); (7) reevaluate Plaintiff's residual  
4 functional capacity (RFC); and (8) if warranted by the expanded record, obtain evidence from a  
5 vocational expert to clarify the effects of any assessed limitations on Plaintiff's occupational  
6 base. Plaintiff may also present new arguments and further medical evidence, if such evidence  
7 becomes available.

8 This case is reversed and remanded to a new ALJ on the above grounds pursuant to  
9 sentence four of 42 U.S.C. § 405(g). Upon proper presentation, this Court will consider  
10 Plaintiff's application for costs and attorney's fees under 28 U.S.C. § 2412(d).

11 DATED this 2<sup>nd</sup> day of July, 2009.  
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13 /s/ J. Kelley Arnold  
14 UNITED STATES MAGISTRATE JUDGE

15 Presented by:

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